United Nations A/61/877–S/2007/222

General Assembly
Security Council

Distr.: General
23 April 2007
English
Original: Spanish

General Assembly
Sixty-first session
Agenda items 66, 80 and 100

Security Council
Sixty-second year

Right of peoples to self-determination

The rule of law at the national and international levels

Measures to eliminate international terrorism

Letter dated 20 April 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to the release on bail of the notorious international terrorist Luis Posada Carriles, by decision of a United States court.

With this decision, the Government of the United States is once again ignoring its commitments under the international conventions on terrorism to which it is a party and numerous General Assembly and Security Council resolutions.

Cuba once again denounces the complicity and full responsibility of the Government of the United States concerning the release of this self-confessed terrorist, who was responsible for the mid-air bombing of a Cuban aircraft which caused the death of 73 innocent civilians of different nationalities, among countless other terrorist acts against Cuba and other countries.

I have the honour to attach a statement by the revolutionary Government of Cuba condemning this event (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 66, 80 and 100, and of the Security Council.

(*Signed*) Rodrigo **Malmierca Diaz**
Ambassador
Permanent Representative

07-31666 (E) 260407 270407

Annex to the letter dated 20 April 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Revolutionary Government of Cuba

19 April 2007

Cuba condemns the shameless decision to release terrorist Luis Posada Carriles and singles out the United States Government as solely responsible for this ruthless and infamous act aimed at buying the terrorist's silence concerning his crimes in the service of the CIA, particularly when former President Bush was its Director.

With this decision, the United States Government has ignored the clamour that has arisen throughout the world, even within the United States, at the impunity and political manipulation this action entails.

This decision is an outrage to the Cuban people and to the nations that lost 73 of their sons and daughters in the heinous 1976 attack that blew up a civilian Cubana de Aviación aircraft off the coast of Barbados.

This decision is an outrage to the people of the United States and an emphatic denial of the alleged war on terror declared by the Government of President George W. Bush.

To prevent Posada's release it would have sufficed for the Government of the United States to certify that he was a terrorist, and, in conformity with section 412 of the United States Patriot Act, to acknowledge that "his release will threaten the national security of the United States or the safety of the community or any person".

The Government of the United States could also have enforced the regulations allowing the Immigration and Naturalization Service to retain in United States territory a non-admissible alien who is subject to deportation. For that, it would have sufficed for the United States authorities to conclude that Posada Carriles is a risk to the community or that releasing him would entail risk of flight.

Why did the Government of the United States allow the terrorist to enter United States soil freely despite the warnings expressed by President Fidel Castro?

Why did the United States Government protect him during the months that he stayed in its territory illegally?

Why, if it had all the elements to that end, did it restrict itself, last 11 January, to charging him with misdemeanours and other strictly migration-oriented issues and not with what he is really all about: murder?

Why is he being released when Judge Kathleen Cardone herself, in her ruling of 6 April ordering the terrorist's release, acknowledged that he is accused of "being involved in or associated with some of the most infamous events of the twentieth century"? Some of these acts include the Bay of Pigs invasion, the Iran-Contra scandal, the mid-air explosion of Cubana de Aviación flight 455, the bombs planted in tourist resorts in Havana in 1997 and, according to some conspiracy theoreticians, the assassination of President John F. Kennedy.

Why is the Immigration and Naturalization Service of the Homeland Security Department of the United States not using the mechanisms that it has available to hold the terrorist in prison, with the unquestionable argument, already used by the United States Attorney-General's Office as recently as 19 March, that if he is released there is risk of flight?

Why has the Government of the United States disregarded the request for extradition submitted, with all the necessary requirements, by the Government of the Bolivarian Republic of Venezuela?

How is it possible that the most notorious terrorist in this hemisphere is being released while five Cuban youths are still ruthlessly imprisoned for the sole crime of fighting terrorism?

For Cuba, there is a clear answer. The terrorist's release has been concocted by the White House as compensation for Posada Carriles not to reveal what he knows, not to reveal the countless secrets he keeps concerning his lengthy period as an agent of the United States special services, when he was involved in Operation Condor and in the dirty war against Cuba, against Nicaragua and against other peoples of the world.

Full responsibility for the release of the terrorist and for the consequences stemming from it would be directly attributed to the United States Government and, particularly, to the President of that country.

Even now, after his release, the United States Government has all the information and the legal mechanisms to apprehend him again. It just takes the political will to wage a serious fight against terror and recall that, according to President Bush, "... if you provide haven for a terrorist, if you support a terrorist, if you feed a terrorist, you will be as guilty as the terrorists".